



TITLE	POLICY NUMBER	
LGBTQ+ Policy	DCS 15-39	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of Licensing and Regulation	December 2, 2021	1

I. POLICY STATEMENT

This policy provides a foundation and framework for supporting the emotional and physical safety and well-being of children who self-identify or are perceived as Lesbian, Gay, Bisexual, Transgender, or Questioning/Queer (LGBTQ+) and gender diverse children in out-of-home care. Nothing in this policy prohibits segregation of facilities on the basis of gender.

II. APPLICABILITY

This policy applies to individuals who hold a foster care license or child welfare agency license and their employees that also provide out-of-home care to children in the care, custody and control of the Department of Child Safety.

III. AUTHORITY

[A.A.C. Title 21 Chapter 6](#)

Foster Home Licensing

[A.A.C. Title 6, Chapter 5, Article 74](#)

Licensing Process and Licensing
Requirements for Child Welfare
Agencies Operating Residential Group Care
Facilities and Outdoor Experience Programs

IV. DEFINITIONS

Child Welfare Agency: Any agency or institution maintained by a person, firm, corporation, association, or organization to receive children for care and maintenance or for 24-hour social, emotional, or educational supervised care or who have been adjudicated as a delinquent or dependent child.

Department or DCS: The Arizona Department of Child Safety.

Director: The Director of the Arizona Department of Child Safety.

Discrimination: Any act, policy, or practice that, regardless of intent, has the effect of subjecting any child to differential treatment as a result of that child's actual or perceived sexual orientation, gender identity, or gender expression.

Gender or Gender Identity: A person's internal sense of self as male, female, no gender or another gender, non-binary, or gender fluid, regardless of anatomy. Gender identity is not necessarily the same as the assigned or presumed sex at birth.

Gender diverse: A person whose appearance or manner does not conform to traditional societal gender expectations.

Gender Expression: The manner in which a person shows gender identity to others; a combination of behavior, hairstyles, voice, body characteristics, or other gender-related behaviors.

LGBTQ+: Acronym for lesbian, gay, bisexual, transgender and queer or questioning.

Licensed Caregiver: An individual or Child Welfare Agency licensed by OLR who provides out-of-home care to children.

Transgender: An umbrella term to include all persons whose gender identity or gender expression does not correspond with their sex assigned at birth.

V. POLICY

- A. Licensed caregivers will promote the positive development of LGBTQ+ children in their care by demonstrating respect for all children, reinforcing respect of differences, and encouraging the development of healthy self-concept.
- B. Children in out-of-home care may be placed in living arrangements according to

their gender identity, regardless of the sex assigned at birth.

- C. A gender diverse child may share a bedroom with another person(s) of the same identifying gender, regardless of the anatomy of the person, when it is safe and appropriate to do so by considering the individual needs of the children who would share a room.
- D. The licensed caregiver shall ensure LGBTQ+ and gender diverse children are not isolated, secluded, or otherwise separated from other children solely due to their LGBTQ+ or gender diverse status.
- E. Privacy Considerations
 - 1. The licensed caregiver shall provide for privacy needs of transgender and gender diverse children.
 - 2. Through the licensing process, OLR will ensure the caregiver demonstrates the ability to maintain a child's physical privacy within the home.
- F. Non-Discrimination & Promotion of Positive Development

All children, regardless of gender identity, gender expression, or sexual orientation, have the right to feel safe and be safe in their living arrangement to achieve positive outcomes. Licensed caregivers shall:

- 1. treat all children with dignity and respect;
- 2. promote the positive development of all children in the care and custody of the Department, or who are served by the Department;
- 3. model expected behavior, including demonstrating respect for all children, reinforcing respect for differences, encouraging development of healthy self-concept, and helping children build skills to educate others on the concerns and needs of LGBTQ+ and gender diverse children;
- 4. provide LGBTQ+ and gender diverse children with access to learning opportunities, including therapeutic, rehabilitative, recreational, and other programs and services that are supportive and affirming;
- 5. offer opportunities to participate in individualized activities and programs

and services that are affirming of each individual's sexual orientation, gender identity, and gender expression; and

6. adhere to policies that promote positive development for all children and ensure to the greatest extent possible that LGBTQ+ children have the opportunity to participate in experiences similar to those of their peers;

G. Names and Language

Licensed caregivers and any direct care staff employed by a licensee shall:

1. address children by their chosen names and pronouns in all settings at the direction of the child, except when a child identifies a safety concern or situation and would prefer the chosen name or pronouns not be used;
2. use respectful and inclusive language;
3. not refer to individuals by using derogatory terms, language, or inaccurate associations that convey bias or hostility against LGBTQ+ or gender diverse individuals;
4. not imply, tell, or knowingly allow others to imply or tell LGBTQ+ or gender diverse individuals that they are abnormal or deviant based on their sexual orientation, gender identity, or gender expression, or that they can or should change their sexual orientation, gender identity, or gender expression.

VI. PROCEDURES

- A. Before accepting placement of a child who identifies as gender diverse or transgender, the licensed caregiver should consider the following factors:

1. their ability to provide for the physical safety and emotional well-being of the child;
2. the capacity of the caregiver to meet the child's needs; and
3. the needs of the other children already placed in the living arrangement.

- B. Upon placing a child, the licensing agency is responsible for ensuring the caregiver has an age appropriate conversation to discuss privacy considerations for all individuals in the home.
- C. Upon placing a child, the caregiver will identify to the child the area(s) where they may bathe and undress in private. Transgender and gender diverse children shall not be required to bathe or undress in front of others.

VII. FORMS INDEX